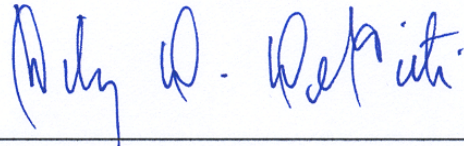


In the Report and Recommendation, the Magistrate Judge advised the parties of their right to file objections to the same and scheduled a September 21, 2010 deadline for filing such objections. She also cautioned the parties that a failure to object would constitute a waiver of the right to appeal the factual and legal issues addressed in the Report and Recommendation. The deadline for filing objections has expired; to date, neither party has filed objections or sought an extension of time in which to do so. Accordingly, the Report and Recommendation is adopted as

though fully set forth herein.

In accordance with the foregoing, the decision of the Commissioner denying Plaintiff's application for benefits is REVERSED, and this matter is REMANDED to the Commissioner for further proceedings as set forth in the Report and Recommendation.

IT IS SO ORDERED this 12th day of October, 2010.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE